

REMARKS

Claims 29-56 are pending in this application. Claims 1-28 stand rejected. Claims 1-28 have been canceled without prejudice and rewritten as new claims 29-56. In light of the amendments and remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Pending claims 1-28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,097,957 (“Bonta”). Applicant respectfully requests reconsideration and withdrawal of this rejection.

To anticipate a claim under 35 U.S.C. § 102, the cited reference must disclose every element of the claim, as arranged in the claim, and in sufficient detail to enable one skilled in the art to make and use the anticipated subject matter. See, PPG Industries, Inc. v. Guardian Industries Corp., 75 F.3d 1558, 1566 (Fed. Cir. 1996); C.R. Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1349 (Fed. Cir. 1998). A reference that does not expressly disclose all of the elements of a claimed invention cannot anticipate unless all of the undisclosed elements are inherently present in the reference. See, Continental Can Co. USA v. Monsanto Co., 942 F.2d 1264, 1268 (Fed. Cir. 1991).

Each of independent claims 29, 36, 43, and 50 generally recite means for calculating transmission power of a signal that each base station transmits to each of the mobile stations that are radio-linked thereto so that a ratio of reception power of a signal to reception power of interferences converges to a predetermined value, said

reception power of a signal being that of a signal that each mobile station receives from the base station radio-linked thereto, said reception power of interferences being that of interferences that the same mobile station receives from the base station radio-linked thereto and from each of the other base stations, converges to a predetermined value.

The Office Action asserts that means for calculating the transmission power is disclosed in column 5, lines 42-54. Applicant respectfully submits that the cited portion of the reference does not disclose the claimed means for calculating the transmission power. The cited portion of Bonta merely relates to a digitized map including the topography of an area to be planned. Nowhere in the cited portion is the calculation of reception power discussed.

Applicant's means for calculating transmission power calculates the transmission power so that a ratio of a signal-to-reception power of interferences converges to a predetermined value. Bonta neither discloses nor suggests this explicitly recited limitation. As such, Bonta fails to disclose the explicitly recited limitation in claims 29, 36, 43, and 50. Thus, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Claims 30-35 depend from, and contain all the limitations of claim 29. These dependent claims also recite additional limitations which, in combination with the limitations of claim 29, are neither disclosed nor suggested by Bonta and are also believed to be directed towards the patentable subject matter. Thus, claims 30-35 should also be allowed.

Claims 37-42 depend from, and contain all the limitations of claim 36. These dependent claims also recite additional limitations which, in combination with the limitations of claim 36, are neither disclosed nor suggested by Bonta and are also believed to be directed towards the patentable subject matter. Thus, claims 37-42 should also be allowed.

Claims 44-49 depend from, and contain all the limitations of claim 43. These dependent claims also recite additional limitations which, in combination with the limitations of claim 43, are neither disclosed nor suggested by Bonta and are also believed to be directed towards the patentable subject matter. Thus, claims 44-49 should also be allowed.

Claims 51-56 depend from, and contain all the limitations of claim 50. These dependent claims also recite additional limitations which, in combination with the limitations of claim 50, are neither disclosed nor suggested by Bonta and are also believed to be directed towards the patentable subject matter. Thus, claims 51-56 should also be allowed.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

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Respectfully submitted,

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